

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth and Confirmation No. 8232  
Keith A. Miesel  
Serial No.: 10/825,964  
Filed: April 15, 2004 Customer No.: 28863  
Examiner: Fangemonique A. Smith  
Group Art Unit: 3736  
Docket No.: 1023-360US01  
Title: DETECTING SLEEP

---

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via the United States Patent and Trademark Office electronic filing system on September 30, 2009.

By: 

Name: Karen Sorensen

Mail Stop: Appeal Brief-Patents  
Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached correspondence relating to this application:

- ☒ Transmittal sheet containing Certificate of Electronic Filing
- ☒ Appeal Brief (21 pgs.)

Please charge Deposit Account No. 50-1778 in the amount of \$540.00 for the Appeal Brief. Please apply any charges not covered, or any credits, to Deposit Account No. 50-1778.

Date: 9-30-09

SHUMAKER & SIEFFERT, P.A.  
1625 Radio Drive, Suite 300  
Woodbury, Minnesota 55125  
Telephone: 651.286-8350  
Facsimile: 651.735.1102

By: 

Name: Jason D. Kelly  
Reg. No.: 54,213